

**IN THE NAME OF THE REPUBLIC OF ARMENIA
DECISION OF THE CONSTITUTIONAL COURT OF
THE REPUBLIC OF ARMENIA**

**ON THE CASE OF CONFORMITY OF PARTS 1 AND 5 OF ARTICLE 156, POINT 1 OF
PART 1 OF ARTICLE 160 OF THE RA ADMINISTRATIVE PROCEDURE CODE WITH
THE CONSTITUTION OF THE REPUBLIC OF ARMENIA ON THE BASIS OF THE
APPLICATIONS OF KAREN HARUTYUNYAN, ARTAK GEVORGYAN, DAVIT
HARUTYUNYAN AND VARTGEZ GASPARI**

Rapporteur A. Khachatryan

Proceeding from the results of examination of the case and ruled by Article 100(1), Article 102 of the Constitution of the Republic of Armenia (2005 with amendments), Articles 63, 64 and 69 of the RA Law on Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS:**

1. The provision “The cassation appeal against the judgment of the case should be submitted till the deadline prescribed for entering the act into force...” of Part 1 of Article 156 of the RA Administrative Procedure Code is in conformity with the Constitution of the Republic of Armenia so far as the legal positions regarding the issue expressed in the decisions DCC-1052 and DCC-1062 of the RA Constitutional Court guarantee submission of the judgment to the person empowered to submit an appeal in accordance with the procedure and time-terms prescribed by law, and omission of the deadline due to irrespective reasons is ex jure recognized valid in case of relevant motion and evidence.

2. To declare Part 5 of Article 156 of the RA Administrative Procedure Code contradicting Part 1 of Article 61 and Part 1 of Article 63 of the Constitution of the Republic of Armenia (with amendments of 2015) and void, in regard to the part by which the restoration of the missed deadline for submitting an appeal due to irrespective reasons, is left to the court’s discretion and in the case of availability of certain motion evidence and is not ex jure recognized valid in case of relevant motion and evidence.

3. Point 1 of Part 1 of Article 160 of the RA Administrative Procedure Code is in conformity with the Constitution of the Republic of Armenia insofar the legal positions regarding the issue expressed in the decision DCC-1249 of the RA Constitutional Court guarantee submission of the judgment by the person empowered to submit an appeal in accordance with the procedure and time-terms prescribed by law, and omission of the deadline due to irrespective reasons is ex jure recognized valid in case of relevant motion and evidence.

4. Based on the requirements of Point 9.1 of Article 64 and Part 12 of Article 69 of the Law on the Constitutional Court, as well as Point 1 of Part 1 of Article 182 the RA Administrative Procedure

Code, the final judgment of Applicant Vartgez Gaspari adopted due to new circumstances is subject to review in accordance with the order prescribed by law.

5. Pursuant to Article 102, Part 2 of the Constitution of the Republic of Armenia this Decision is final and enters into force from the moment of its announcement.

February 09, 2016

DCC-1254